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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 JASON A. REDON,

11 Plaintiff,

12 v.

13 ANDRES RUIZ, et al.,

14 Defendants.

CASE NO. 13-cv-1765-WQH-KSC

ORDER

15 HAYES, Judge:

16 The matter before the Court is the review of the Report and Recommendation
17 issued by United States Magistrate Judge Karen S. Crawford (ECF No. 189).

18 **I. Background**

19 The original Complaint in this action was filed in state court in August 2012 and
20 removed to this Court in July 2013. (ECF No. 1). Plaintiff Jason Redon filed an
21 Amended Complaint (ECF No. 8) in December 2013. Plaintiff's only remaining claim
22 is for excessive force against Andres Ruiz ("Defendant"). *See* ECF Nos. 23, 53, 85, and
23 111.

24 On December 4, 2015, Magistrate Judge Crawford issued an Order compelling
25 Plaintiff to provide Defendants with an executed form authorizing Defendants to inspect
26 and copy his medical and mental health records (the "December 4 Order"). (ECF No.
27 49 at 21). Plaintiff filed Objections to the December 4 Order. (ECF No. 56). In June
28 2016, this Court overruled Plaintiff's Objections and extended Plaintiff's deadline for

1 complying with the December 4 Order to July 8, 2016. (ECF Nos. 82, 88). On July 8,
2 2016, Plaintiff restated his intention not comply with the December 4 Order. (ECF No.
3 96 at 1).

4 On July 25, 2016, Defendants filed a Motion for Terminating Sanctions (ECF No.
5 95). On February 14, 2017, Magistrate Judge Crawford issued an Order deferring the
6 Motion for Terminating Sanctions and requesting supplemental briefing. (ECF No.
7 103). On March 24, 2017, Magistrate Judge Crawford ordered four medical services
8 providers to release their “records pertaining to Plaintiff.” (ECF No. 109 at 2). On
9 April 11, 2017, Plaintiff filed a Supplemental Briefing stating that he “ha[d] decided to
10 allow the Defendant to proceed with the courts [sic] order to his medical providers to
11 release his records.” (ECF No. 112 at 1). On July 12, 2017, Defendant confirmed that
12 he had received Plaintiff’s medical records. (ECF No. 116 at 1).

13 On October 11, 2017, Magistrate Judge Crawford issued a Report and
14 Recommendation, recommending that the Motion for Terminating Sanctions be denied.
15 (ECF No. 189). The docket reflects that no objections have been filed to the Report and
16 Recommendation (ECF No. 189).

17 **II. Discussion**


18 The duties of the district court in connection with a report and recommendation
19 of a magistrate judge are set forth in Federal Rule of Civil Procedure 72(b) and 28
20 U.S.C. § 636(b). The district judge must “make a de novo determination of those
21 portions of the report . . . to which objection is made,” and “may accept, reject, or
22 modify, in whole or in part, the findings or recommendations made by the magistrate.”
23 28 U.S.C. § 636(b). The district court need not review de novo those portions of a
24 report and recommendation to which neither party objects. *See Wang v. Masaitis*, 416
25 F.3d 992, 1000 n.13 (9th Cir. 2005); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121
26 (9th Cir. 2003) (en banc) (“Neither the Constitution nor the [Federal Magistrates Act]
27 requires a district judge to review, de novo, findings and recommendations that the
28 parties themselves accept as correct.”).

1 The Court has reviewed the Report and Recommendation (ECF No. 189), the
2 record, and the submissions of the parties. The Court finds that Magistrate Judge
3 Crawford correctly recommended that the Motion for Terminating Sanctions (ECF No.
4 95) be denied. The Report and Recommendation is adopted in its entirety.

5 **III. Conclusion**

6 IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 189)
7 is adopted in its entirety. Defendant's Motion for Terminating Sanctions (ECF No. 95)
8 is DENIED.

9 DATED: November 3, 2017

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11 **WILLIAM Q. HAYES**
12 United States District Judge
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